

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUNN J. HENDERSON,

Defendant.

Case No. 16-CR-9-JPS

ORDER

Before the Court is Defendant Dunn J. Henderson's ("Henderson") motion for a reduction of sentence. ECF No. 51. As the basis for his motion, Henderson references Amendment 829 to the United States Sentencing Guidelines. *See id.* ("[T]he [United States] [S]entencing [C]ommission proposed . . . changes to the [S]entencing [G]uidelines that will initially take full effect on November 1, 2024."); *Amendment 829*, U.S. SENT'G COMM'N, *available at* <https://www.ussc.gov/guidelines/amendment/829> (last visited Apr. 23, 2025). The Government opposes the motion. ECF No. 53 (referencing Amendment 829).

Henderson's motion fails because Amendment 829 is not retroactive. Amendment 829 has not been made retroactive and therefore cannot be the basis for reducing Henderson's sentence. 18 U.S.C. § 3582(c)(2) (permitting the Court to reduce a term of imprisonment "based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission"); U.S.S.G. § 1B1.10(d) (listing the amendments that are retroactive and not listing Amendment 829); *United States v. Driver*,

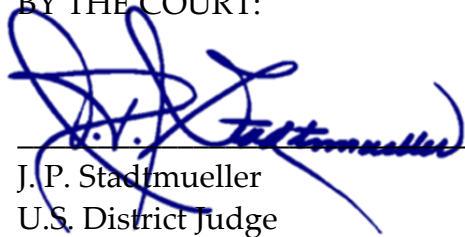
No. 1:01-CR-97, 2008 WL 833127, at *2 (N.D. Ind. Mar. 27, 2008) (“A reduction of an existing sentence is consistent with Sentencing Commission policy only for guidelines amendments that are listed in U.S.S.G. § 1B1.10.”) (citing *United States v. Snyder*, 2008 WL 370663, at *3 (N.D. Ind., Feb. 11, 2008)); see also *United States v. Smith*, No. 23-536-2, 2025 WL 662395, at *1 (E.D. Penn. Feb. 28, 2025) (finding that Amendment 829 does not authorize a reduction in a defendant’s sentence because it does not apply retroactively); *United States v. Malespin*, No. 19-CR-20835-RAR, 2025 WL 1092377, at *4 (S.D. Fla. Apr. 11, 2025) (same); *United States v. John*, No. 21-cr-134 (DLC), 2024 WL 5155627, at *3 (S.D.N.Y. Dec. 18, 2024) (same).

Accordingly,

IT IS ORDERED that Defendant Dunn J. Henderson’s motion for a reduction in sentence, ECF No. 51, be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 23rd day of April, 2025.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge